15. (Original) A device according to claim 13 wherein the body is opaque.

16. (Original) A device according to claim 13 wherein the handle is semi-rigid.

17. (Original) A device according to claim 13 wherein the body is a tube.

18. (Original) A device according to claim 13 wherein the body has a plurality of drain ports each smaller than the size of the opening in the first end.

19. (Original) A device according to claim 13 wherein the body has one drain port that is smaller than the opening in the first end.

REMARKS

Claims 1-4, 7, 9-11, 13-17, and 19 have been rejected under 35 U.S.C. 102(b) as being unpatentable over Johnson (U.S. Patent No. 3,949,510). Claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. Patent No. 3,949,510) (hereinafter "'510 patent").

Applicant traverses the rejection.

The '510 patent relates to prior art minnow trap. The '510 patent describes a tube with a plurality of holes which is removeably and pivotably connected to trunnions on the arms of the handles. The trunnions connect to the tube at one end of the tube.

The operation of the '510 device is significantly different from the operation of the current invention. The '510 device is first assembled by inserting the trunnions into two holes at one end. The assembled device is then inserted into a bucket and maneuvered so that the tube pivots from a vertical position to a horizontal position. When a minnow enters the trap, the '510 device is lifted out of the water and the tube automatically rotates to a vertical position. Then the tubular trap is inverted so that the minnow falls out. Although it is unclear how this operates, there seem to be only 3 possibilities: first, as written, that the '510 device is inverted from the vertical position so that the minnow falls onto the handle; second, because the body is pivotably connected to the handle that any attempt to invert the body of the '510 by maneuvering the handle will only result in the body of the device pivoting so that the minnow will not come out;

third, if two hands are used, one on the handle and one on the body to prevent the pivotability of the body then it is very difficult to handle the minnow when it falls out or even if it does, by holding the wet part of the device getting the user's hand(s) dry.

The current invention is a significant improvement over the prior art because it eliminates structural elements of the prior art because it removes the trunnions and pivotable connection between the handle and the body. Furthermore, the device according to the present application may function as a one handed device whereas the '510 device only functions, if at all, with two hands where one hand gets wet. Additionally, the '510 device, unlike the current application, is subject to being damaged and unusable because of the trunnions breaking and bending. It also requires assembly and upkeep. These shortcomings of the prior art are solved by the present invention by rigidly connecting the handle to body of the minnow trap.

In summary, for the reasons set forth above, the applicable cited references, individually or in combination, do not teach or suggest the process set forth in pending claims 1-19 of the above-captioned invention.

Accordingly, this application is now in condition for allowance, and the Examiner is requested to pass this application to issue forthwith. If any matters are later deemed unresolved by the Examiner, he is encouraged to call the Attorney for Applicants to discuss same.

Respectfully submitted,

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